



July 3<sup>rd</sup>, 2025

Secretary (SVCW)

Jose Martinez, Tanner Pacific

Brett Margosian, Tanner Pacific

Arvind Akela, SVCW

Re: CIP 9269 SVCW Biogas Utilization - GCSI

**Subject: Response – Overaa Bid Protest 7.2.25**

To Whom it May Concern,

ABI is in receipt of the bid protest sent by Overaa, we submit this response to 1 - point out that the protest does not have merit, and 2 - to make clear this response is not as a request for leniency or discretionary acceptance, but to clearly assert that Anvil Power and Anvil Builders meets the intent and substance of the experience requirement as defined in the specifications. Furthermore, the Owner's explicit reservation of the right to accept qualifications outside the formal requirement reinforces that this is not a disqualifying or mandatory term, but a guideline to ensure bidders are adequately experienced and capable of performing the work.

**Anvil Power Clearly Meets the Intent of the Experience Requirements stated in Spec Section 00 45 014.**

Anvil Power is a subsidiary of Anvil Builders, a California-based general engineering contractor with a 15+ year history of successfully executing complex public infrastructure projects. While Anvil Power and Anvil Builders are registered as separate legal entities, they are organizationally and operationally integrated:

- Shared executive leadership and strategic control
- Identical financial backing, insurance, and bonding programs
- Unified labor pool, project managers, and field crews
- Common safety systems and training protocols
- Consolidated risk rating in EMR reporting, where the two are treated as a single operational entity

Every project that Anvil Power has performed reflects the same labor force, project oversight, and leadership that has delivered high-quality public works performance for over a decade under Anvil Builders.

**The ABI/API Relationship Further Reinforces Unified Experience**



Anvil Builders and Anvil Power are not merely related — they are functionally the same operation. They hold the same license classification (C-10), operate under the same ownership, and perform work using shared staff, labor, and management infrastructure. Their electrical project experience is not subcontracted, borrowed, or aggregated from unrelated sources. It is self-performed work, completed within a unified corporate ecosystem that has been operating continuously for over 15 years.

From a safety reporting compliance standpoint, the entities are treated as one: EMR data combines their hours and claims under a single risk profile. This is a clear industry signal that they are not just structurally aligned — they are evaluated as a singular operator when it comes to risk, oversight, and self-performance history.

### **The Owner’s Reservation of Rights Fundamentally Alters the Responsiveness Framework**

The specifications state unequivocally:

*“The Owner reserves the right to accept the qualifications of a subcontractor that does not meet the experience requirements.” (Spec Section 00 45 14-4 – 2.0 Company Experience).*

This clause is not boilerplate — it is determinative. It reclassifies the 10-year experience requirement as a discretionary evaluation factor, not a mandatory bid condition. In California public works law, this distinction matters greatly.

Because the Owner explicitly retained discretion, it is not required to treat a deviation from the 10-year threshold as a material defect. The presence of this clause means that the experience requirement is not a hard-line pass/fail criterion. Instead, the Owner has the full legal authority to determine whether a bidder’s experience is acceptable, even if structured across related entities. The evaluation becomes one of practical qualification, not formal compliance.

This clause signaled to all bidders — including our team — that experience would be evaluated holistically, and that operational capability, safety record, and real-world project delivery would be weighed just as heavily, if not more so, than formal entity age.

So, the question is not whether Anvil Power meets the technical rule. The question is whether it meets the functional, performance-based intent of that rule — and the answer is clearly yes.

### **Project Experience Confirms Operational Readiness & Capability**

Anvil Power has directly performed electrical scopes on numerous major infrastructure projects in California. Several significant projects are listed in Anvil Powers project experience questionnaire in the bid documents, demonstrating clearing that Anvil Power exceeds all of the minimum project experience requirements. These projects were:



- Performed under active C-10 licensing
- Executed with internal crews and supervision shared with Anvil Builders
- Delivered under the same safety, training, and QA/QC frameworks

These aren't speculative capabilities or outsourced scopes. They are real, measurable performance indicators from a contractor already entrusted by public owners to execute complex, mission-critical scopes.

### **Conclusion**

Anvil Power satisfies the intent, substance, and practical purpose of the 10-year experience requirement. Through its unified relationship with Anvil Builders, its shared labor, management, and safety structure, and its consistent performance on comparable scopes, it has clearly demonstrated the qualifications the Owner seeks.

The Owner's express reservation of waiver rights confirms that this experience requirement was never meant to be applied rigidly, but rather as part of a fair and flexible evaluation of contractor capacity. To treat Anvil Power as non-compliant due to form rather than function would ignore both the language of the spec and the proven capabilities of a qualified team.

We respectfully affirm that no waiver is even required — because Anvil Power, as structured and performing, meets the requirement.

Sincerely,

**Beau Blume**

Project Executive

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